

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DOUGLAS D. JOHNSON,

Defendant.

Adv. Pro. No. 10-04551 (SMB)

**STIPULATION AND ORDER EXTENDING PLAINTIFF'S TIME TO
SUBSTITUTE PARTIES FOR DECEASED DEFENDANT**

WHEREAS, on November 12, 2010, Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed and served a complaint against the above-captioned defendant (the "Defendant"), Douglas D. Johnson ("Decedent");

WHEREAS, Decedent died in Collier County, Florida on March 12, 2015;

WHEREAS, undersigned counsel for the Defendant filed a suggestion of death for Decedent in the above-captioned adversary proceeding (the "Action") with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") on March 27, 2015 (Dkt. 34);

WHEREAS, Decedent's estate has not entered into probate as of the date hereof; and

WHEREAS, no administrator or personal representative of Decedent's estate has been appointed as of the date hereof.

NOW THEREFORE, the Trustee and the Defendants, each by and through their respective undersigned counsel, hereby stipulate and agree as follows:

1. The time by which the Trustee may move to substitute parties in the Action to take the place of Decedent, pursuant to Fed. R. Civ. P. 25(a), is extended up to and including February 12, 2016.

2. Undersigned counsel for the Defendants expressly agrees to notify the Trustee of the entry of the estate of Decedent into probate and the issuance of any letters testamentary for the administration of Decedent's estate within five (5) business days after the undersigned received actual notice of the entry of Decedent's estate into probate.

3. The purpose of this stipulated extension of time is to provide sufficient time for the Trustee to substitute proper parties in the Action for Decedent. Nothing in this stipulation is a waiver of the Trustee's right to request from the Bankruptcy Court a further extension of time to substitute parties in the Action for Decedent and/or the Defendants' right to object to any such request.

4. Except as expressly set forth herein, the parties to this stipulation reserve all rights and defenses they may have, and entry into this stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.

5. This stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this stipulation shall be deemed an original.

Dated: May 20, 2015

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Marc E. Hirschfield
Email: mhirschfield@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for
the Liquidation of Bernard L. Madoff Investment
Securities LLC and Bernard L. Madoff*

HERRICK, FEINSTEIN LLP

By: /s/ Hanh Huynh
2 Park Avenue
New York, New York 10016
Telephone: (212) 592-1400
Facsimile: (212) 592-1500
Hanh V. Huynh
Email: hhuynh@herrick.com
Howard R. Elisofon
Email: helisofon@herrick.com

Attorneys for Douglas D. Johnson

SO ORDERED

Dated: May 20th, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE